

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1, 2, 4 - 10, and 16 are presently pending, with claims 3 and 11 - 15 having previously been canceled..

Applicant amends claims 1 and 16, and adds new claims 17 and 18. No new matter is introduced. Support for the amendments may be found, for example, in Applicant's specification at page 32, line 1 through page 36, line 1, and at page 37, line 10 through page 38, line 4.

II. Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4 - 7, 10 and 16 rejected are under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,457,681 to Wolf et al. ("Wolf") in view of U.S. Patent No. 6,247,994 to DeAngelis et al. ("DeAngelis). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf in view of DeAngelis and U.S. Patent No. 6,109,186 to Smith et al. ("Smith"). Applicant amends claims 1 and 16 to further clarify the nature of his invention, and respectfully traverses the rejection of claims 1, 2, 4 - 10 and 16 under 35 U.S.C. § 103(a).

In amended independent claim 1, Applicant claims:

1. A remote control toy system comprising:

a plurality of sets, each set including a controller and a model controlled based on data transmitted from the controller, the transmitted data corresponding to an operation of the controller for controlling an operation of the model; and

an accessory device, provided separately from the controllers and the models, for

conducting data communication with the controllers and the models, wherein each of the controllers, the models, and the accessory device separately comprises:

a radio communication module for executing the data communication and for conducting bilateral data communication; and

a control device for implementing various controls based on data communication conducted through the radio communication module, wherein:

the accessory device comprises an information input section for accepting a user's information input, and

the control device of the accessory device comprises:

a device for executing a predetermined procedure based on the information input from the information input section; and

a device for generating data corresponding to a result of the procedure and sending the data through the radio communication module for independently altering the implementation of one of the various controls by the plurality of controllers.

(Emphasis added).

Wolf discloses a control and operating system for model trains (see, e.g., abstract of Wolf), and DeAngelis discloses a system for controlling a plurality of toy vehicles (see, e.g., abstract of DeAngelis). Applicant submits that Wolf's accessories 18', AIU 18 and TIU 12, DeAngelis' central station 64, and Smith's intermediate control device 8 respectively and most nearly correspond to the accessory device of Applicant's remote control toy system in amended independent claim 1.

In sharp contrast to Applicant's system as claimed in amended independent claim 1, Applicant submits that none of Wolf, DeAngelis or Smith teach or suggest an accessory device having a control device that includes a device for executing a predetermined procedure based on an information input made by a user from the information input section of the accessory device; and a device for generating data corresponding to a result of the procedure and sending the data through

the radio communication module for independently altering the implementation of one of various controls for the plurality of controllers or the plurality of models.

In particular, each of Wolf, Smith and DeAngelis fails to teach or otherwise suggest an accessory device that is capable of independently altering the implementation of one of various controls for the plurality of controllers or the plurality of models. For example, while Wolf's TIU 12 and DeAngelis' central station 64 are operative to respectively forward data signals received from controllers 16, 42 to models 68, 12, neither Wolf's TIU 12 nor DeAngelis' central station 64 is further operative to transmit signals to the controllers 16, 42 for altering the implementation of a control by the controller 16.

While Smith discloses that the intermediate control device 8 is capable of receiving information from a model (car) for controlling a speed of the car independently from the controllers (see, e.g., Col. 2: 26 - 35 of Smith), Smith fails to disclose that the intermediate control device 8 is also capable of transmitting data to the controller 16 to alter the implementation of a control by the controller 16. Moreover, Smith fails to disclose that the information received by the car is based on information input by an entity other than a controller or model (i.e., by a user) to the intermediate control device 8.

Applicant's claimed system provides the distinct advantage of enabling the user to assume a unique player role in the remote control system. For example, in the case where model cars are engaged in running a race, the user may play the role of "starter" by providing input to the accessory device to alter the implementation of a speed control by the controllers in order, for example, to

control the start of the race or to restrict the velocity of the cars (“yellow flag”) when a fault or other problem has occurred during the race.

For at least the above-presented arguments, Applicant submits that amended independent claim 1 is not made obvious by any combination of the cited references, and stands in condition for allowance. Applicant reapplies these same arguments with reference to amended independent claim 16, which includes the same features distinguishing the accessory device of Applicant’s amended independent claim 1 over the cited references, and submits thereby that claim 16 is allowable. As claims 2 and 4 - 10 each depend from allowable independent claim 1, Applicant further submits that dependent claims 2 and 4 - 10 are also allowable for at least this reason.

Accordingly, Applicant therefore requests that the rejection of claims 1, 2, 4 - 10 and 16 under 35 U.S.C. § 103 be withdrawn.

II. New Claims

Applicant adds new claims 17 and 18. As new claims 17 and 18 respectively depend from allowable independent claims 1 and 16, Applicant submits that new claims 17 and 18 are also allowable for at least this reason.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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